



Memorandum

Date August 5, 2004

From Assistant Commissioner for Policy

Subject Request for Extension of Comment Period; Docket No. 2004N-0264

To Sir/Madam

2004 AUG 13 8:32

This letter is in response to your Request for Extension of Comment Period for the Food and Drug Administration's Advance Notice of Proposed Rulemaking on Federal Measures to Mitigate BSE Risks: Considerations for Further Actions, Docket No 2004N-0264. The comment period for Docket No. 2004N-0264 closes on August 13, 2004.

A request to extend a comment period can be submitted under 21 CFR 10.40(b)(3). The request must "discuss the reasons comments could not feasibly be submitted within the time permitted, or that important new information will shortly be available, or that sound public policy otherwise supports an extension of the time for comment" (21 CFR 10.40(b)(3)(i)).

The Agency has decided that the comment period will not be extended. Based on the criteria provided in 21 CFR 10.40(b)(3), the request fails to establish adequate justification for extending the comment period for this advance notice of proposed rulemaking. The Agency believes that it is in the interest of public health that the rulemaking process regarding additional animal feed safeguards be initiated as soon as possible. The Agency notes that the additional measures currently being considered, including a prohibition on specified risk materials in animal feed, will be issued as a proposed rule providing further opportunity for public comment.

For the reasons stated above, I regret that your request to extend the comment period for Docket No. 2004N-0264 is denied.

Sincerely,

Jeffrey Shuren
Assistant Commissioner for Policy

cc: Docket No. 2004N-0264
Attachment

2004N-0264

LET 1

Griffin Industries, Inc. -- Dennis B. Griffin
4221 Alexandria Pike, Cold Spring, KY 41076-1897
fax: 859-572-2569

Baker Commodities, Inc. -- James M. Andreoli, President
4020 Bandini Blvd., Los Angeles, CA 90023-4674
c/o BSchmieder@bakercommodities.com

William Schmieder (BSchmieder@bakercommodities.com) Gordon
Lum (GLum@bakercommodities.com)
Joseph G. Huelsman (JHuelsman@bakercommodities.com)
Manuel Ponte (MPonte@bakercommodities.com)
Mel Brown (MBrown@bakercommodities.com)
Richard Hinthorne(DHinthorne@bakercommodities.com)

National By-Products, LLC (NBP) -- Mark Myers, David Kirstein
(david.kirstein@nbyprod.com)

Moyer Packing Company (MOPAC) -- Fred Prange (prange@mopac.com)
P.O. Box 64395, Souderton, PA 18964-0395

American Feed Industry Association (AFIA) -- Richard Sellers (rsellers@afia.org)
1501 Wilson Blvd., Suite 1100
Arlington, VA 22209

AFIA cosigners:

American Farm Bureau Federation

American Meat Institute

American Sheep Industry Association

National Cattlemen's Beef Association

National Chicken Council

National Grain and Feed Association

National Meat Association

National Milk Producers Federation

National Pork Producers Council

National Renderers Association

National Turkey Federation

North American Meat Processors Association

United Egg Producers

Boer Commodities, Inc. -- Dennis Ralston (dennisl@boercom.com)
4969 E. Clinton, Ste. 102, Fresno, CA 93727

Tallowmasters, LLC -- Charles Largay, Jr. (clargayjr@mindspring.com)
9401 NW 106 ST., STE 101, Medley, FL 33178

Smithfield Foods, Inc. -- Doug Anderson (fax: 757-357-3018)
200 Commerce St., Smithfield, VA 23430

Packerland Packing -- Rod A. Bowling, PhD (fax: 920-468-4000)
P.O. Box 23000, Green Bay, WI 54305-3000

Valley Proteins, Inc. -- Gerald F. Smith, Jr. (fax: 540-877-3215)
P.O. Box 3588, Winchester, VA 22604-2586

Sun Land Beef Company -- Charlie Bergh (Charlie.Bergh@sunlandbeef.com)
P.O. Box 99, Tolleson, AZ 85353

US Poultry & Egg Assn -- Don Dalton (ddalton@poultryegg.org)
1530 Cooledge Rd., Tucker, GA 30084-7303

Poultry Protein & Fat Council -- John E. Starkey, P.E. (jstarkey@poultryegg.org)
1530 Cooledge Rd., Tucker, GA 30084-7303

Michael Gilbert (MGilbert@Griffinind.com)